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7 **BEFORE THE**
8 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation & Petition to
12 Revoke Probation Against:

13 ALVIN VICTOR PRASAD
14 154 Bonny Street
Mountain View, CA 94043

15 Occupational Therapy License No. OT 7530

16 Respondent.

Case No. OT 7520

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 Complainant alleges:

18 **PARTIES**

19 1. Gretchen L. Kjose (Complainant) brings this Accusation and Petition to
20 Revoke Probation solely in her official capacity as the Executive Officer of the California Board
21 of Occupational Therapy, Department of Consumer Affairs.

22 2. On or about April 5, 2004, the California Board of Occupational Therapy
23 issued Occupational Therapy License Number OT 7530 to Alvin Victor Prasad (Respondent).
24 The Occupational Therapy License was in effect at all times relevant to the charges brought
25 herein and will expire on July 31, 2005, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Statement of Issues
27 Against Alvin Victor Prasad," Case No. 7-2002, the California Board of Occupational Therapy
28 issued a decision, effective March 5, 2004, in which Respondent's Occupational Therapy License

1 was revoked. However, the revocation was stayed and Respondent's license was placed on
2 probation for a period of five (5) years with certain terms and conditions. A copy of that decision
3 is attached as Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Accusation and Petition to Revoke Probation is brought before the
6 California Board of Occupational Therapy, Department of Consumer Affairs, under the authority
7 of the following laws. All section references are to the Business and Professions Code unless
8 otherwise indicated.

9 5. Section 2570.28 of the Code provides, in pertinent part:

10 The board may deny or discipline a licensee for any of the
11 following:

12 (a) Unprofessional conduct . . .

13 (h) Committing any fraudulent, dishonest, or corrupt act that is
14 substantially related to the qualifications, functions, or duties of a
15 licensee.

16 CAUSE FOR DISCIPLINE

17 6. Respondent is subject to disciplinary action under section 2570.28(a)
18 and/or (h) in that he acted unprofessionally and/or corrupt in the practice of occupational therapy.
19 The circumstances are as follows:

20 A. On or about November 24, 2004, Respondent was terminated from
21 his employment as an occupational therapist at Select Therapy, for viewing child pornography on
22 the Internet while at work.
23

24 FIRST CAUSE TO REVOKE PROBATION

25 (OBEY ALL LAWS)

26 7. At all times after the effective date of Respondent's probation, Condition 1
27 stated:
28

Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five days of occurrence.

8. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 1, referenced above. The facts and circumstances regarding this violation are as follows:

A. On or about November 24, 2004, Respondent was terminated from his employment as an occupational therapist at Select Therapy, for viewing child pornography on the internet while at work.

SECOND CAUSE TO REVOKE PROBATION

(FILING QUARTERLY REPORTS)

9. At all times after the effective date of Respondent's probation, Condition 2 stated:

Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

10. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are as follows:

A. Respondent failed to return the following Quarterly Reports in a timely manner: April-June 2004 and July-September 2004. Respondent's October-December 2004 Quarterly Report was submitted timely, but was incomplete.

THIRD CAUSE TO REVOKE PROBATION

(NOTIFICATION TO EMPLOYER)

11. At all times after the effective date of Respondent's probation, Condition 6 stated:

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1 When currently employed or applying for employment in any
2 capacity in any health care profession Respondent shall notify his
3 employer of the probationary status of respondent's license. This
4 notification to the current employer shall occur no later than the
5 effective date of the Decision. Respondent shall notify any
6 prospective health care employer of his/her probationary status
7 with the Board prior to accepting such employment. This
8 notification shall be made by providing the employer or
9 prospective employer with a copy of the Board's Statement of
10 Issues and Disciplinary Decision.

11 Respondent shall cause each health care employer to submit
12 quarterly reports to the Board. The reports shall be on a form
13 provided by the Board, shall include a performance evaluation and
14 such other information as may be required by the Board.

15 Respondent shall notify the Board, in writing, within five days of
16 any change in employment status. Respondent shall notify the
17 Board, in writing, within five days if he is terminated from any
18 occupational therapy or health care related employment with a full
19 explanation of the circumstances surrounding the termination.

20 12. Respondent's probation is subject to revocation because he failed to
21 comply with Probation Condition 6, referenced above. The facts and circumstances regarding
22 this violation are as follows:

23 A. Respondent failed to provide his employer, Select Therapies, with
24 a copy of his Disciplinary Order as required. Additionally, Respondent failed to notify the Board
25 within five days, in writing, of his commencement of employment with ONR Inc. on January 3,
26 2005. The first written notice to the Board of this change of employment status was
27 Respondent's October-December 2004 Quarterly Report which was postmarked January 10,
28 2005.

29 FOURTH CAUSE TO REVOKE PROBATION

30 (PSYCHOTHERAPY)

31 13. At all times after the effective date of Respondent's probation, Condition
32 11 stated:

33 Within sixty (60) days of the effective date of the Decision,
34 respondent shall submit to the Board the name of one or more
35 proposed therapists for prior approval. Respondent shall
36 participate in ongoing psychotherapy with a California licensed or
37 legally registered mental health professional approved by the
38 Board. Upon approval by the Board, Respondent shall commence
39 psychotherapy. Respondent shall provide the therapist with a copy

1 of the Board's Disciplinary Order no later than the first counseling
2 session. Counseling shall be at least once a week unless otherwise
3 determined by the Board. Respondent shall continue in such
therapy at the Board's discretion. Cost of such therapy shall be
paid by respondent.

4 Respondent shall cause the therapist to submit to the Board a
5 written report concerning respondent's psychotherapy status and
6 progress as well as such other information as may be requested by
the Board. The initial psychotherapy report shall be submitted
7 within ninety (90) days from the effective date of the Decision.
Respondent shall cause the therapist to submit quarterly written
8 reports to the Board concerning respondent's fitness to practice,
progress in treatment and to provide such other information as may
be required by the Board.

9 If the therapist finds that respondent is not fit to practice safely, or
10 can only practice with restrictions, the therapist shall notify the
Board, in writing, within five working days. The Board shall
11 notify respondent in writing of the therapist's determination of
unfitness to practice and shall order the respondent to cease or
12 restrict licensed activities as a condition of probation. Respondent
shall comply with this condition until the Board is satisfied of
13 respondent's fitness to practice safely and has so notified
respondent. Respondent shall document compliance with this
14 condition in the manner required by the Board.

15 14. Respondent's probation is subject to revocation because he failed to
16 comply with Probation Condition 11, referenced above. The facts and circumstances regarding
17 this violation are as follows:

18 A. Respondent failed to cause the approved psychotherapist to submit
19 an initial evaluation to the Board by the due date of October 19, 2004. Respondent failed to
20 timely submit to the Board an authorization which would permit his psychotherapist to release
21 confidential records and information to the Board.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the California Board of Occupational Therapy issue a
25 decision:

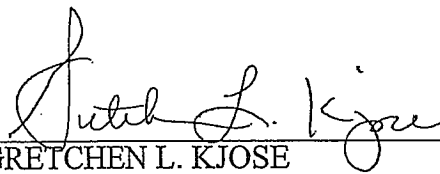
26 1. Revoking the probation that was granted by the California Board of
27 Occupational Therapy in Case No. 7-2002 and imposing the disciplinary order that was stayed
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1 thereby revoking Occupational Therapy License No. OT 7530 issued to Alvin Victor Prasad;

2 2. Revoking or suspending Occupational Therapy License No. OT 7530,
3 issued to Alvin Victor Prasad;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: March 16, 2005

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8 
9 GRETCHEN L. KJOSE
10 Executive Officer
11 California Board of Occupational Therapy
12 Department of Consumer Affairs
13 State of California
14 Complainant

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